IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

CRP.No. 1112 of 2007()

(AGAINST THE ORDER DATED 28/09/2007 IN I.A.NO.8059/2006 IN O.S.NO.115/2006 ON THE FILE OF THE HON'BLE 1ST ADDITIONAL MUNSIFF'S COURT, ERNAKULAM)

REVISION PETITIONER: PETITIONER:PLAINTIFF:

THE FEDERAL BANK LTD.,
REGD. OFFICE AT ALWAYE, KERALA,
REPRESENTED BY ITS SENIOR MANAGER,
VYTTILA BRANCH, KOCHI – 19.

BY ADV. SRI.P.V.GEORGE(ONAKKOOR)
SRI.REJI GEORGE
SRI.MANJU RAJAN

RESPONDENTS: RESPONDENTS:DEFENDANTS:

1. **K.A.NOUSHAD, S/O.ABDUL RAHIMAN, KOKKANAM HOUSE, H.NO.1/1925, KUNNUMPURAM, FORT COCHIN.**

2. **P.M.VAHIDA, W/O.K.A.NOUSAHD, KOKKANAM HOUSE, H.NO.1/1925, KUNNUMPURAM, FORT COCHIN.**

3. **P.A.HUSSANKUTTY, S/O.ABDUL KHADER, PADIYATH HOUSE, JUDANPARAMBU, MATTANCHERRY.**

4. **J.HENRY, S/O.V.R.JEROME, VADAYIL HOUSE, H.NO.11/483, NAZARETH, FORT COCHIN.**

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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CRP No.1112 OF 2007

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Dated this the 17th day of December 2007

O R D E R

This revision petition is preferred against the dismissal of the Review Petition, I.A.No.8059 of 2006 in O.S.No.115/2006. The plaintiff bank had instituted a suit for realisation of the amount and on account of the non-payment of the balance court fee in time, the plaint was rejected. An application was moved for reviewing the same. The court found that there is no error apparent on the face of the record and dismissed the review application. One cannot find fault with such a decision. Therefore I decline to interfere with the same in the revision. Therefore the C.R.P. is dismissed. But considering the facts and circumstances of the case, I direct the court where the appeal is to be filed against the rejection of the plaint to consider the delay petition sympathetically for the reason that the plaintiff has been vigilant in pursuing its remedies. The contention that the plaintiff was not given 15 days time for depositing the balance court fee also be

considered by the court, if it is raised as a ground in the appeal.

M.N.KRISHNAN, JUDGE

Cdp/-